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MAILED

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OFFICE OF PETITIONS

In re Patent No. 7,435,792	: DECISION ON
Coen et al.	: REQUEST FOR RECONSIDERATION
Application No. 09/816,467	: of PATENT TERM ADJUSTMENT
Issue Date: October 14, 2008	: and
Filed: March 26, 2001	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 03495.0174-01	: CERTIFICATE OF CORRECTION

This is a decision on the petition under 37 CFR 1.183 and 37 CFR 1.705(d), filed November 12, 2008, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand, three hundred fifty-eight (1358) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand, three hundred fifty-eight (1358) days is **GRANTED to the extent indicated herein**.

Pursuant to 37 CFR 1.703(b)(4), the number of days an application is under appeal is not taken into account when calculating Office delay for not issuing a patent within three years. As such, the patent term adjustment is 635, not 1358 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred thirty-five (635) days**.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is positioned above the printed name.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,435,792 B2

DATED : October 14, 2008

INVENTOR(S) : Coen et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 512 days.

Delete the phrase "by 512 days" and insert – by 635 days--